



PATENT  
ATTORNEY DOCKET NO. 041465-5195

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mitsuo YASUSHI	)	Confirmation No.: 3438
	)	
Application No.: 10/648,345	)	Group Art Unit: 2632
	)	
Filed: August 27, 2003	)	Examiner: <i>To Be Assigned</i>
	)	
For: APPARATUS AND METHOD FOR	)	
ESTIMATING FATIGUE LEVEL	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application.

A European Search Report dated December 10, 2003 is attached together with the documents listed thereon. Applicant respectfully requests that the Examiner consider the European Search Report and listed documents and evidence that consideration by making appropriate notations on the attached PTO Form-1449.

Please note that Japanese Patent Application No. 2002 065650 was submitted with an Information Disclosure Statement filed August 27, 2003, and is therefore not re-submitted at this time.

As for relevance for any non-English language documents, an English-language Abstract is provided, or such documents are referred to on the European Search Report.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

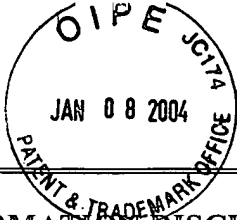


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John G. Smith  
Reg. No. 33,818

Date: January 8, 2003

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**INFORMATION DISCLOSURE CITATION**

(Use several sheets if necessary)

**PTO Form 1449**

Attorney Docket No.: 041465-5195

Serial No.: 10/648,345

Applicants: Mitsuo YASUSHI

Page 1 of 1

Filing Date: August 27, 2003

Group Art Unit: Unassigned

**U.S. PATENT DOCUMENTS**

*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date
	4,664,127	May 12, 1987	Ikeyama	128	689	Aug. 28, 1985

**FOREIGN PATENT DOCUMENTS**

Document Number	Date	Country	Class	Sub Class	<u>Translation</u>	
					YES	NO
EP 0 712 604	May 22, 1996	Europe				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.